



Public Notice

**U.S. Army Corps
Of Engineers
Galveston District**

Permit Application No: 23510
Date Issued: 30 August 2004
Comments Due: 30 September 2004

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act.

APPLICANT: Harris County Precinct 3
3535 War Memorial Drive
Houston, Texas 77084-6103
Telephone: 281-531-1592
POC: Mr. Walt Peckham

LOCATION: The project site is located in wetlands, adjacent to Bear Creek, and in the creek itself, within the Paul D. Rushing Park Complex, southwest of the intersection of Katy Hockley Road and Katy Hockley Cut-Off Road, in northwestern Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Warren Lake, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 228950; Northing: 3311212.

PROJECT DESCRIPTION: The applicant is requesting authorization to retain fill material discharged into jurisdictional wetlands and to properly permit the discharge of additional fill material in support of construction of a public recreational complex. A total of 6.75 acres of wetland habitat were impacted in advance of obtaining Department of the Army authorization. Of the 6.75 acres, 0.20 acre was filled as a result of the construction of a drainage ditch, 6.16 acres of wetlands were filled due to the construction of the first quadplex, and 0.30 acre of jurisdictional wetlands was impacted as a result of constructing the second quadplex.

The applicant also proposes to fill an additional 3.48 acres of wetlands to construct a ball field complex and a wetland area known as the “Chain of Lakes” that would be utilized as mitigation for the initial 6.75 acres of unauthorized impacts. The “Chain of Lakes” will encompass a 94-acre area that would be constructed to support shallow water, deep water, and wetland habitat. The area, once completed, would contain approximately 58 acres of lakes and wetlands and will include isolated islands for roosting protection, deep-water preserves, and peninsulas. Of this acreage, 10.23 acres of habitat will be designated as compensation for impacts to the aquatic environment. A series of elevated walkways and observation decks would also be constructed in the area to allow for passive recreation of the site and wildlife viewing by the public. Selected plant seedlings, subject to availability, may include, but are not limited to Swamp Smartweed, Arrowhead, marsh seedbox, switchgrass, Indian grass, Long Muhly, and wax myrtle. The construction of the “Chain of Lakes” is proposed to be complete within 5 years after start of construction within jurisdictional areas.

Vegetation communities in wetland areas that were previously impacted, as well as areas to be filled on the site are dominated by a cover of Swamp Smartweed, Virginia buttonwood, and green flatsedge.

The applicant’s plans are enclosed in 14 sheets.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

This project was initiated without a Department of the Army permit and is considered an after-the-fact permit application. After-the-fact permit applications require review under the Tier II criteria. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with U.S. Army Corps of Engineers (Corps) processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.

The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **30 September 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

Kimberly McLaughlin
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3936 Phone
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DISTRICT ENGINEER
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